

January 27, 2006

ACHP, Office of Federal Agency Programs  
Attention: Don Klima, Director  
1100 Pennsylvania Avenue NW, Suite 809  
Washington, D.C. 20004

SUBJECT: SECTION 106 CONSULTATION REFERRAL FOR THE PROPOSED  
AMERICAN CENTRIFUGE PLANT, PIKE COUNTY, OHIO

Dear Mr. Klima:

The U.S. Nuclear Regulatory Commission (NRC) is providing additional information relevant to the Section 106 consultation for USEC Inc.'s proposed American Centrifuge Plant (ACP). The NRC informed the Council by letter dated May 20, 2005, of its intent to use the National Historic Preservation Act (NEPA) process to fulfill NRC responsibilities under Section 106 of the NEPA. We subsequently transmitted a copy of the draft environmental impact statement (DEIS) by letter dated September 6, 2005.

This letter is submitted in fulfillment of 36 CFR 800.8(c)(2)(ii), to refer to you objections by a consulting party on the NRC's compliance with Section 106 through use of its NEPA process and of the NRC's findings of no effect on historic properties that were presented in the DEIS.

Enclosed is a complete chronological listing of Section 106 correspondence regarding the proposed undertaking that is directly available at the NRC's website:  
<http://www.nrc.gov/materials/fuel-cycle-fac/summ-section-106.html>. Table 1 provides a listing of all correspondence to and from Federal, state, and local government organizations. Table 2 provides a listing of all correspondence to and from Indian tribes. Table 3 provides a listing of all correspondence to and from the objecting party, Mr. Geoffrey Sea. The documents listed in Table 3 include Mr. Sea's scoping comments, his pleadings as an intervenor, his oral comments at a public meeting, email communications, and the appendices to his promised written comments submitted on the DEIS. The actual comments were not received by the NRC as Mr. Sea indicated that he would be providing them directly to the Council. Finally, Table 4 provides a listing of publicly available cultural resource surveys and related information. Additionally, the NRC is maintaining a public website, <http://www.nrc.gov/materials/fuel-cycle-fac/usecfacility.html>, that provides access to information concerning the NRC's safety and environmental review for the proposed ACP, and includes a link to the DEIS.

In the DEIS, the NRC staff presents a discussion of historic resources in Chapter 3 on pages 3-5 to 3-11. Subsequently, the staff presents a discussion of impacts to historic resources in Chapter 4 of the DEIS on pages 4-4 to 4-7. On page 4-5 of the DEIS, the NRC staff identifies historic properties and other properties that may be eligible for the National Register within the area of potential effects (APE) of the project. After consideration of the construction and operations activities that might affect these properties, the DEIS concludes that the project will have no effect on historic properties or potentially Register-eligible properties within the APE.

Because of Mr. Sea's concerns about effects on his house, known as The Barnes Home, which is adjacent to the APE, a structure that is likely Register-eligible under Criteria A and C, the DEIS also considered potential effects on this property. Similarly, because of the concerns of Mr. Sea and those of two Native American tribes about the possible project effects on the Scioto Township Works (approximately 1 kilometer from the proposed ACP), a prehistoric earthworks listed on the National Register for Criterion D values, the NRC also considered possible effects on this property. The visual setting, noise levels, and traffic levels around these properties are unlikely to change significantly from current conditions as a result of the project. Consequently, in both cases, the DEIS analysis on pages 4-5 to 4-7 found that activities associated with construction and operation of the American Centrifuge Plant would have no effect on the attributes that contribute to historic significance of the properties. The NRC's evaluation of effects on the Scioto Township works presumed that Native American concerns related to attributes under Criterion A. The NRC has asked the Native American tribes to provide more information about the values of concern associated with the Scioto Township works, but has received no information from the tribes beyond what is provided in the enclosed referenced materials.

Mr. Sea has also indicated concerns about what appeared to be prehistoric earthworks at one of the well fields that will supply water for the proposed ACP. The DEIS presents a discussion of impacts from the well field in question on page 4-7 and the NRC's findings that there would be no effect on these apparent earthworks. Subsequent to publication of the DEIS, the NRC received a statement from Mr. Blaine Bleekman (see Table 4 in enclosure), a local resident, who described construction of three levies along the Scioto River after a 1959 flood, including the levy that Mr. Sea is concerned about. While it appears most likely that these structures are recently constructed flood control levies, it is still the NRC's position that there will be no effect on these structures from continued pumping at this U.S. Department of Energy (DOE) well field.

Mr. Sea is also concerned about several other properties, including the Rittenour Home, the Sargent Home, and the location where the last passenger pigeon was killed, but these are further from the proposed ACP than the Barnes House or Scioto Township Works and so were not considered in the DEIS analysis.

Finally, Mr. Sea believes that we have not properly carried out the Section 106 consultation requirements nor have we properly incorporated Section 106 compliance into the NRC's NEPA process as described in 36 CFR 800.8.

While you will be able to review the materials, it appears to the NRC that Mr. Sea believes there is a historic landscape linking the prehistoric Scioto Township Works; the historic Barnes Home, Rittenour Home, Sargents Home, and the passenger pigeon kill site; and the Portsmouth Gaseous Diffusion Plant Historic District. He disagrees that NRC has adequately identified historic properties because the NRC's analysis has not considered this historic landscape. Mr. Sea has a vision of promoting tourism to this landscape to enable public appreciation of the history represented on this landscape. He feels that NRC's action in approving the license for the ACP will lead to future operations on a DOE site that he believes would otherwise be closed. He believes that continuing operations at the DOE site would diminish the opportunity for public appreciation of the historic values in the landscape. He finds this to be an effect on those historic properties and cultural resources.

Additionally, the NRC has received comments from the Ohio Historic Preservation Office that suggest the usage of "small" to characterize impacts in the NEPA document following description of findings of "no effect on historic properties" may be confusing, and that there may be some observable impacts that are better described as "moderate" in level although these impacts do not extend to attributes that contribute to the properties' National Register eligibility. The NRC will clarify this language in the DEIS.

The NRC believes that it has met its Section 106 obligations including the identification of consulting parties, identification of historic properties within and beyond the APE, and that its assessment of project effects are correct. We welcome the Council's review of Mr. Sea's objections and look forward to learning of the Council's findings.

If you have any questions about this information or wish to provide any other additional information please feel free to respond in writing or to contact Matthew Blevins by phone at 301-415-7684 or by e-mail at [MXB6@nrc.gov](mailto:MXB6@nrc.gov). Mr. Blevins will be happy to set up a meeting or telephone conference to facilitate the consultation.

Sincerely,

**/RA/**

B. Jennifer Davis, Chief  
Environmental Review Section  
Division of Waste Management  
and Environmental Protection  
Office of Nuclear Material Safety  
and Safeguards

Docket No.: 70-7004

Enclosures: As stated

cc: w/o enclosures, see attached list

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<b>OFC</b>	DWMEP:PM	DWMEP:SC	OGC	
<b>NAME</b>	MBlevins	BJDavis	LClark	
<b>DATE</b>	01/23/06	01/27/06	01/17/06	

OFFICIAL RECORD COPY

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